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December 17, 2012.

Ms. Caroline C. Hunter
Chair, Federal Election Commission
999 E Street, NW
Washington D.C. 20463

RE: MUR 6465
Gary Husk

Dear Ms. Hunter:

Please be advised that I am in receipt of your correspondence dated December 3, 2012 regarding the above-referenced matter. Although I strongly disagree with the preliminary findings by the Federal Election Commission (FEC), I believe our disagreement is directly attributed to significant exculpatory evidence that was not previously provided or reviewed by the Committee. Therefore, I accept the opportunity to provide additional factual and legal matters to the Commission for consideration.

In order for me to properly advise my client in this matter, however, I would request that all relevant information relied upon by the FEC be provided to me for review. (In accordance with Agency Procedure for Disclosure of Documents and Information in the Enforcement Process, 76 Fed. Reg. 34986 (June 15, 2011)). In particular, I would request any and all information related to the specific political contributions for federal candidates that serve as the basis for the \$5,000 figure utilized in the Commission's calculation. Any information you have identifying the federal candidate(s), the contributor(s), the date(s) of the contribution(s) and the date(s) of reimbursement by the Fiesta Bowl would be extremely helpful.

In addition and for further consideration by the Commission, I have enclosed a copy of correspondence dated October 23, 2012, including various exhibits, from another attorney of Mr. Husk, Richard Romley, to Arizona Attorney General Tom Horne regarding various misrepresentations contained in Mr. Junker's Factual Basis for Plea submitted to the Maricopa County Superior Court. This information is particularly important, considering the Commission's reliance on the Junker agreement in forming its reason to believe conclusion. It should also be noted that Mr. Romley served as the elected Maricopa County Attorney for over sixteen years and enjoys an impeccable reputation as a former prosecutor.

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Essentially this correspondence provides the following documentary evidence:

1. Fiesta Bowl officials were warned and expressed concern as early as 2003 of the improprieties of engaging in political activities as a 501(c)(3) entity. This was approximately two years before Mr. Husk is alleged to have authorized the reimbursement of political contributions.
2. Mr. Husk is not alleged to have authorized the reimbursement of political contributions until sometime after January 12, 2005. Ironically, the date is established by a \$15,000 check issued to the Fiesta Bowl Chief Financial Officer for reimbursements to other employees for political contributions. This provides further evidence that the scheme pre-dated the alleged conversation with Mr. Husk.
3. There were approximately 37 political contributions reimbursed by the Fiesta Bowl from 2000 to January 12, 2005. Thus, the scheme was fully operational long before Mr. Husk was allegedly consulted on this issue.
4. Mr. Husk did not serve as the Fiesta Bowl's Designated Lobbyist from 2000 to 2006. That role was held by Kevin DeMenna, DeMenna & Associates as evidenced by:
 - i. A memorandum dated August 12, 2002 from Mr. DeMenna to John Junker recommending that the Fiesta Bowl engage in political activities, including fundraising for Arizona legislators. It should be noted, however, that this memorandum clearly stated that campaign finance limits.
 - ii. An email dated August 29, 2003 from Mr. DeMenna to Mr. Junker in which he stated that he was the "go to guy" for the Fiesta Bowl at the Arizona Legislature and was personally responsible for the Bowl's political success.

The foregoing information demonstrated that Mr. Husk could not have been, as Mr. Junker claims, the architect of a scheme that pre-dated his alleged authorization by at least five years. Equally important, this information demonstrates that Mr. Junker made numerous material misrepresentations to both the Arizona Attorney General and the Court in his Factual Basis for Plea in which he falsely implicated Mr. Husk.

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I would ask that this information be reviewed and, should you have any questions or concerns, please feel free to directly contact Mr. Romley at (480) 773-3419 or RRomley@Cox.net. Once I have had an opportunity to review the information that I have requested, I anticipate submitting additional factual and legal matters to the Commission. Once you have had an opportunity to review more than the allegations in the complaint and the publicly available materials, you will have a much better understanding which proves that the allegations against Mr. Husk are without merit.

Thank you for your attention in this matter.

Sincerely,



Michael Mandell

Exhibit A

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Wisneski recalled that Laybourne was upset with Junker over the reimbursements and that he had confronted Junker, saying, "This could jeopardize our 501(c)(3) status."²³⁴ She said Laybourne would also come to Wisneski and tell her, "[H]e [Stan] was not very happy about it. I think he even told me that he was hoping it was

Public Version

As noted above, Laybourne declined to speak with counsel to the Special Committee. Certain memoranda from the Fiesta Bowl's files, however, appear consistent with Wisneski's recollection that Laybourne was concerned about the Fiesta Bowl's 501(c)(3) status, among other things. For example, in 2003, Laybourne and Wisneski received a memo from an individual named Amy Day that explained that 501(c)(3) organizations could be liable for a tax on each political expenditure and that "in addition, 'a tax of 2.5% (up to \$5,000 per expenditure) is imposed on any organization manager who willfully, and without reasonable cause, agrees to the expenditure.'" ²³⁷ In addition to political expenditures, the memo also discussed the tax penalties associated with persons who benefit from excess benefit transactions. ²³⁸

235 *Id.* 236 *Id.* at 4. 237 R00356-58. 238 *Id.* 239 R00359.

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distribution of statements), any political campaign on behalf of or in opposition of any public office candidate.”²⁴⁰ In the email, Laybourne also relayed a summary of excess benefit transactions and the penalties that could be imposed.²⁴¹ Laybourne concluded his email by warning, “Being your

PARANOID CFO, I wanted to make sure we all knew these rules as I continue to believe that not-for-profits will be the next target of scrutiny." 242

CONFIDENTIAL

Exhibit B

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08-14-2010 BY 60322 UCBAW/SJS

Third Congressional District.¹⁷⁹ Three days later, on May 9, 2006, Peggy Eyanson received a reimbursement check for \$517.56.¹⁸⁰

ii. Checks to one employee for the alleged reimbursement of others

Another reported means of reimbursing for campaign contributions was to have one employee receive a large bonus check and for that employee to then reimburse others. Our investigation shows that this process was allegedly attempted at least three times, although we were unable to definitely determine or calculate how much, if any, of these bonuses were actually used to reimburse for campaign contributions. Nor were we able to determine to whom such reimbursements were paid.

a. The \$15,000 check to Laybourne

Wisneski recalled that during one of the first times she was asked to contribute to a political campaign, Laybourne (to whom she reported at the time) told her that she and the other employees who gave would be reimbursed by the Fiesta Bowl for their contributions: "I remember Stan explained, 'How this is going to work is I'm going to be paid a bonus, like \$10,000 or \$15,000, and then I'm going to pay all of you back.'"¹⁸¹ Wisneski recalled that the bonus Laybourne was to receive was in or around 2003.¹⁸² She could not specifically recall actually receiving a direct reimbursement from Laybourne, although she thought that if she had been reimbursed from this \$15,000 check, it was more likely that she would have received a personal check

¹⁷⁹ Schedule A. Kelly (Peterson) Keogh and Husk also made donations to Shadegg on May 6, 2006, in the amount of \$250 each. Schedule A.

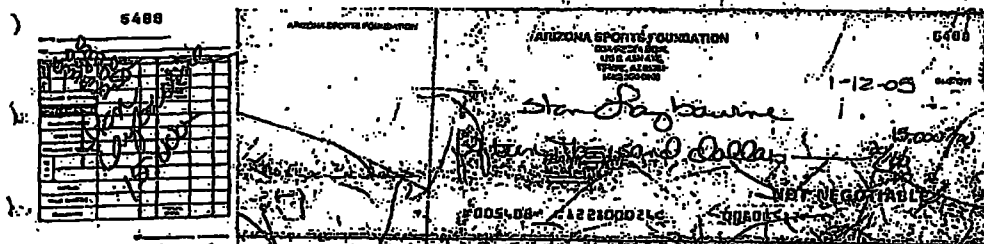
¹⁸⁰ Schedule A. Also on May 9, 2006, Kelly (Peterson) Keogh received a reimbursement check in the amount of \$277.05 for her earlier donation of \$250. Schedule A.

¹⁸¹ Wisneski 2-2-11 Int. at 2.

¹⁸² *Id.*

from Laybourne rather than cash.¹⁸³ Wisneski did not produce evidence of having received a personal check from Laybourne.

We discovered a \$15,000 check in the manual check register made out to Laybourne dated January 12, 2005.¹⁸⁴ Employees reported that January was not the usual time for performance bonuses, which were instead typically given after the close of the fiscal year, March 31, for the previous year's work.¹⁸⁵ (As noted above, Wisneski had placed the conversation with Laybourne in approximately 2003).¹⁸⁶ Before Wisneski told counsel to the Special Committee that Laybourne had allegedly received a \$15,000 check from which reimbursements were to be made, Eyanson told us that she believed it was possible that this 1-12-05 \$15,000 check to Laybourne was for campaign-contribution reimbursements, based on some numbers off to the side of the check stub, which looked to Eyanson as though they could be reimbursement amounts—600, 300, 300, 300, 250, as shown below:¹⁸⁷



¹⁸³ *Id.*

¹⁸⁴ C00185.

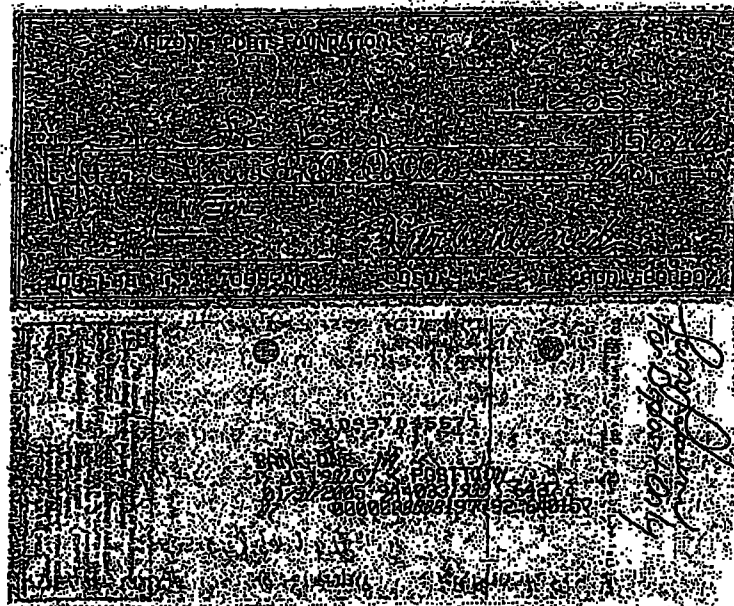
¹⁸⁵ Eyanson 11-29-10 Int. at 4; Simental 1-13-11 Int. at 1; Ellis 3-3-11 Int. at 2.

¹⁸⁶ Wisneski 2-2-10 Int. at 2.

¹⁸⁷ Eyanson 11-29-10 Int. at 18.

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NAME	DATE	AMOUNT	REMARKS
Jon Kyl	5/18/2000	\$250	
John McCain	3/18/2003	\$1,000	
Ellen Laybourne	11/25/2005	\$2,000	



Laybourne has made just two political-campaign contributions: \$250 to Jon Kyl on May 18, 2000, and \$1,000 to John McCain on March 18, 2003.¹⁸⁸ His wife, Ellen, made a \$2,000 contribution to Kyl on November 25, 2005, almost 11 months after the above-pictured

¹⁸⁸ Schedule A.

check.¹⁸⁹ The year before the above-pictured check and the year after show contributions by Fiesta Bowl employees in the amounts of \$300 (one contribution) and \$250 (three contributions), but no \$600 contribution or multiple \$300 contributions were found, as might be suggested by the check register.¹⁹⁰

As noted above, Laybourne refused to speak with counsel to the Special Committee.¹⁹¹ He did, however, state in a letter mailed to the Special Committee's counsel: "Regarding the issue of political contributions, I told [Special Committee members] Mr. Bruner and Mr. Steve Whiteman that I had no knowledge of this matter at the time I left the Fiesta Bowl organization."¹⁹² Grant Woods also reported that when he spoke to Laybourne, Laybourne was "adamant" that the allegations regarding the Fiesta Bowl's reimbursement for campaign contributions were not true.¹⁹³

b. The \$15,000 check to Aguilar

Similar to Wisneski's recollection of the \$15,000 Laybourne check, Eyanson said that Wisneski told her in late 2006 that Aguilar was going to get a bonus in the amount of \$15,000 so that he could give people cash reimbursements for political contributions.¹⁹⁴

¹⁸⁹ *Id.*

¹⁹⁰ Schedule A. Also, as noted earlier, although we found no evidence of reimbursements to anyone outside of the staff (with the exception of volunteer Asher), a review of contribution records shows that within the week surrounding Laybourne's November 2005 contribution, Gary Husk (\$1,000 on November 28) and five board members and a board member's spouse also contributed to Kyl (eight contributions totaling \$13,600). See Schedule A.

¹⁹¹ R00925.

¹⁹² *Id.*

¹⁹³ G. Woods 11-23-10 Int. at 6.

¹⁹⁴ Eyanson 11-29-10 Int. at 17.

Exhibit C

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c. Check(s) to Wisneski

Wisneski said that at some point after Laybourne was given a \$15,000 bonus check, she and Junker contacted Husk to see if Wisneski could get a "bonus" that she could use to reimburse others for their campaign contributions.²⁰⁹ According to Wisneski, Husk told Junker and her, "Yeah, it's done all the time."²¹⁰

Wisneski said she then received a \$5,000 check that she was supposed to use to reimburse people.²¹¹ Wisneski received two \$5,000 (gross) checks — one on August 22, 2008, and another on January 21, 2009.²¹² Wisneski stated that she believes that it was the January 21, 2009 check from which she was supposed to reimburse Fiesta Bowl employees for campaign contributions.²¹³ She had no specific recollection of reimbursing individuals from this amount, but stated that she does not believe she would have given cash to anyone.²¹⁴ At the Special Committee's counsel's request, Wisneski subsequently checked her personal checkbook and stated that she could not find any personal checks she had written which appeared to be campaign-contribution reimbursements.²¹⁵

Husk denied that he ever told anyone that the Fiesta Bowl could reimburse anyone for a campaign donation, and he specifically denied that he spoke to Junker and Wisneski about whether Wisneski could receive a bonus and then reimburse others from that

²⁰⁹ Wisneski 2-2-11 Int. at 5.

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² Schedule A.

²¹³ Wisneski 2-10-11 Int. at 5.

²¹⁴ Wisneski 2-2-11 Int. at 5.

²¹⁵ Wisneski 2-10-11 Int. at 5-6.

bonus money.²¹⁶ He denied that he told them "everybody does it" (or words to that effect).²¹⁷ He also stated that he understood (and understands) that the law prohibited such a practice, and that he would never advise a client to break the law.²¹⁸

iii. Alleged increased expense-reimbursement checks

Some individuals interviewed stated that not all of the Fiesta Bowl's campaign-contribution reimbursements were made via "bonus" checks. Schoeffler stated that he was sometimes reimbursed through bonus checks, and other times, through an expense check.²¹⁹ For example, on June 30, 2009, Schoeffler contributed \$1,000 to John McCain.²²⁰ On August 25, 2009, he received a check for the net amount of \$4,000—\$3,000 of which he stated was to be used as a down payment on a car, and the remaining \$1,000 was for reimbursement for his contribution to McCain.²²¹

During his interview with counsel to the Special Committee, Grant Woods stated that Blouin had told him that he had been reimbursed for campaign contributions through his expense reimbursements.²²²

²¹⁶ Husk 2-10-11 Int. at 5.

²¹⁷ See *id.*

²¹⁸ *Id.*

²¹⁹ Schoeffler 11-18-10 Int. at 4.

²²⁰ Schedule A.

²²¹ Schoeffler 11-18-10 Int. at 4. The Arizona Sports Foundation check ledger just includes the notation "veh Dpmt" on the \$4,000 check. See C00011.

²²² G. Woods 11-23-10 Int. at 6.

Exhibit E

1505422-11344001



Arizona Secretary of State Lobbyist System

Generated by Lobbyist Search version 3.50

Principal/Public Body Information

PPB ID	104817
PPB TYPE	Principal
PPB NAME	AZ SPORTS FOUNDATION/FIESTA BOWL
PPB STATUS	Inactive
PPB CONTACT	
PPB ADDRESS	120 S ASH AVE TEMPE, AZ, 85281
PPB PHONE	480-517-6273

Active Lobbyist References

No information available.

Annual Report Information

REP YEAR	RECEIVED	EXEMPTED	AMENDED
<u>2005</u>	2/22/2005	YES	
<u>2004</u>	2/10/2005	NO	
<u>2003</u>	4/6/2004	NO	
<u>2002</u>	3/5/2003	NO	5/5/2003
<u>2001</u>	3/21/2002	NO	
<u>2000</u>	3/8/2001	NO	

Inactive Lobbyist References

LOB ID	REF TYPE	LOB NAME	STARTED	TERMINATED
<u>3206815</u>	DL	DEMENNA & ASSOCIATES	2/4/2000	2/10/2005
<u>3601780</u>	AL	JUNKER, JOHN	2/4/2000	5/22/2001
<u>3100302</u>	AL	SNELL & WILMER LLP	11/29/2000	11/30/2000
<u>3106239</u>	AL	WHEELER, STEVE	2/4/2000	11/29/2000

[Back to Lobbyist Search](#)

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Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA

Plaintiff,

v.

JOHN HOWARD JUNKER (001),

Defendant.

Case No:

Factual Basis for Plea

(Assigned to the Honorable Douglas Rayes)

The State of Arizona and the Defendant hereby present the Factual Basis for Plea as follows:

1. John Junker was employed by the Fiesta Bowl organization from on or around 1980 through on or around 1989 as its Assistant Executive Director, and was promoted to Associate Executive Director in 1986. After a year in El Paso as Executive Director of the Sun Bowl, he returned to the Fiesta Bowl as its Executive Director in early 1990 and was in that position until March, 2011.
2. Under John Junker's leadership but certainly not based solely on his own efforts, the Fiesta Bowl had replaced the Cotton Bowl as the fourth of the principal New Year's Day Bowls. Through a series of alliances and competitive bids, culminating in the present

BSC alliance, the Fiesta Bowl had reached the apogee of its position in collegiate football with two Bowl games annually and a National Championship game every fourth year.

3. However, the major bowl status of the Fiesta Bowl was threatened by the growing age of Arizona State University's Sun Devil Stadium and the erection of the first Cowboy's Stadium, and in turn the millions of dollars of economic benefit that came to Arizona in hosting major bowl matchups each year. After the failure of the first new stadium effort in the early part of the 21st Century, Mr. Junker and the Board of Directors of the Fiesta Bowl came to believe that without a coordinated effort directed at various elected and appointed bodies, including the Arizona Legislature and Arizona's Congressional delegation, there was no guaranty that a new stadium, which was vital to the Fiesta Bowl's continued success, would be achieved.
4. As a result, a decision was made by the Board to engage a consultant to assist the Bowl with legislative affairs. He is referred to here as Lobbyist C. He was also a lawyer. Mr. Junker had not known Lobbyist C before a member of the Board recommended his engagement for the purposes outlined above.
5. Lobbyist C soon told Mr. Junker that, in order to assist in the effort to remain on solid footing with those important politicians whose support could be vital in ensuring that a new stadium would be built, in ensuring that the Fiesta Bowl would not be in a disadvantageous position vis-à-vis the other anticipated major tenant of the anticipated new stadium, and in ensuring that the Fiesta Bowl's message to the nation would be strongly supported by important politicians and influence makers, from time to time, Lobbyist C would be importuned by members of the fund raising arms of the important politicians and influence makers for contributions to their campaigns.
6. The message of the Fiesta Bowl that needed to be circulated was, in part, that, although Texas and other states vying for the coveted fourth leg of the then-current BCS system were more populous, more influential nationally, and far richer than Arizona, nevertheless, Arizona's Fiesta Bowl, the youngest and arguably the most parochial of the Bowls at its inception should rightfully be regarded as an integral part of the BSC system.
7. Originally, when Lobbyist C was dunned for donations by the political campaign personnel of various political candidates and office holders, he would pass the request along to Mr. Junker, who, in turn, would seek to raise money from individual Board members. However, this method proved generally inadequate to meet the need of the candidates and office holders for money. Lobbyist C next suggested that money be collected from employees of the Bowl but this also proved inadequate. This is because while Board members and employees presented with the opportunity to make donations generally understood why the contributions would be in the best interests of the Fiesta

Bowl, they did not understand why the donations would be in their own individual self-interest. As Mr. Junker was, himself, among that group, another approach needed to be found.

8. Lobbyist C then came up with the solution. He knew that the Bowl had a discretionary bonus system basically that resided within in the control of Mr. Junker's office and, as to Mr. Junker, resided in the control of the Board. Who would really know, Lobbyist C argued, "why" bonuses were made in the amounts they were made? Thus, Lobbyist C stated, provided there was no actual linkage, on a dollar-for-dollar basis, between the political contribution solicited from and ostensibly made by a Fiesta Bowl employee, then neither on a philosophical basis nor as a practical matter would there be a "link" between a contribution and the repayment of the contribution through a reimbursement by bonus. Besides, Lobbyist C told Mr. Junker, "everyone did it", and Mr. Junker rationalized the activity knowing that employees granted these bonuses were highly-effective and successful workers. Certainly, Mr. Junker believed that latter statement to be true and between what Lobbyist C proposed and the manner in which he proposed that the plan be carried out, Mr. Junker knew and appreciated that (at the time) it was illegal for corporations to make donations to political campaigns and, in lock-step with that description of then-illegal conduct, it was illegal to use other people's names to pretend that contributions being made by corporations to political campaigns were actually not being made by the corporations. Since making contributions using other people's names to substitute for the real contributor - the Fiesta Bowl - was illegal, then it followed as a matter of course, that agreeing to engage in this conduct with Lobbyist C and the straw-contributors, was also a crime - namely the crime of conspiracy - as it applied to Federal or to State governed campaigns. And, since Mr. Junker was aware that lists of donors would be compiled by the campaigns of Federal officer seekers for submission to the Federal Election Commission and of State office seekers to the Arizona Secretary of State, he, along with Lobbyist C and others, also knew that any list that contained the names of individuals at the Fiesta Bowl as contributors when, in truth and in fact, the Fiesta Bowl was really going to be making the contribution through the aforesaid bonus system, that information would be false, its falsity would have been product of the conspiracy described above. Similarly, Mr. Junker knew, along with Lobbyist C and others, that the Fiesta Bowl's constituent not-for-profit taxpayer entities Form 990's would contain false and misleading statements; to wit: that no political contributions had been made in the previous year when, in truth and in fact, that for every election cycle following Lobbyist C's proposal of the plan outlined above for the making and reimbursement of political contributions, each of the Form 990 tax returns filed by the constituent Fiesta Bowl not-for-profit corporations were false.

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9. Lobbyist C, Mr. Junker and Ms. Wisneski also knew that the Form 990 tax returns required disclosure of lobbying activity because not-for-profit entities can only expend a certain amount of money on lobbying. The Form 990's falsely stated that the Fiesta Bowl did not engage in any lobbying activity. Lobbyist C and others over the years lobbied heavily for the Fiesta Bowl in the manner and for the reasons described above. By way of example, in July 2007 Mr. Junker communicated with Lobbyist C about the Fiesta Bowl's "legislative package," and at Lobbyist C's direction, also authorized a \$10,000 contribution to a gubernatorial inauguration in December 2006, though this money was later appropriately returned by the gubernatorial campaign when it discovered the source..

10. Lobbyist C selected the candidates to be favored with contributions by the Fiesta Bowl. Mr. Junker instructed Natalie Wisneski to use the bonuses to reimburse employees. Mr. Junker made contributions himself, knowing that he would be reimbursed. In particular, he made separate contributions in his own name and that of his wife in the amount of \$2100 contribution to a presidential campaign in March 2007, and in August 2007, he received a \$4200 check from the Fiesta Bowl to reimburse himself for these two contributions, which he deposited it into his bank account (and on which taxes were paid, as if the bonus was actually income). Mr. Junker had previously asked Natalie Wisneski to reimburse him for approximately \$11,000 in federal, state and local political contributions Mr. Junker made from 2000 to 2006, and in February 2007 she arranged to add to his bonus to provide reimbursement for those contributions. Most, if not all of the interactions between Lobbyist C, Mr. Junker, and Ms. Wisneski concerning the contributions and resulting bonuses were oral and use of e-mails was avoided.

11. From approximately 2006 through 2009 the Fiesta Bowl, under the supervision of Lobbyist C and Mr. Junker's general direction, approximately \$25,000 was reimbursed to employees for contributions made to federal political campaigns (not counting the personal reimbursements to Mr. Junker in February 2007 as referenced above). The \$25,000 figure includes over \$10,000 in contributions to a federal campaign that were made in the 2006 tax year and reimbursed in the 2007 tax year (which includes the \$4200 reimbursement to me in August 2007), and another \$3,000 in contributions that were made in the 2007 tax year and reimbursed in the 2008 tax year. The Fiesta Bowl also arranged for reimbursements for contributions to state and local political campaigns, including over \$3,000 for contributions made to a state representative's campaign in the 2007 tax year and over \$3,000 for contributions made to local mayoral campaigns in the 2008 tax year. There was no personal benefit conferred on any individual, including Mr. Junker, as a result of the scheme, as the ostensible benefit of having friends in high-political positions thinking kindly about the Fiesta Bowl was the rationale for the political contributions.

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12. In 2009, articles appeared in the *Arizona Republic* that began to reveal the contribution and bonus program outlined above. Mr. Junker was concerned about the direction of the revelations and asked Lobbyist C whether he should and could reveal to the Bowl's long-time lawyer what had been going on.
13. Lobbyist C reproached Mr. Junker about his plan to speak to the Bowl's long-time lawyer and stated instead that, working not with Mr. Junker at the Fiesta Bowl, but with Board members who were unaware of the reimbursements, would devise a solution.
14. Lobbyist C decided that the optimum approach would be to have the Fiesta Bowl engage a lawyer whose background and resume was beyond question and to have that lawyer conduct an internal investigation. However, unbeknownst to the lawyer who was ultimately selected by Lobbyist C and approved by the Board, Lobbyist C was going to steer and, therefore, ultimately command and direct the outcome of the investigation by offering to assist the lawyer, without, of course, disclosing his preeminent position in the scheme that had gone on for some years, and by "pre-screening" the witnesses with whom the lawyer would be speaking. By fervently attacking the reports in the press as lies while assuring the lawyer of his own long-time relationship with the Fiesta Bowl and false lack of knowledge concerning the scheme, through the background of the decades-long close association between himself and the lawyer, Lobbyist C ensured that the lawyer would have no reason to suspect that Lobbyist C was using and, therefore, abusing, the lawyer's good name and reputation to cover-up the contribution and reimbursement scheme he had concocted and with the assistance of Mr. Junker and Ms. Wisneski used to promote the Fiesta Bowl's goals of influencing political decision-making.
15. During the investigation that was being steered by Lobbyist C, it was determined that Ms. Wisneski had erroneously made several actual dollar-for-dollar reimbursements instead of adhering to Lobbyist C's plan. A list of names and amounts of bonuses was, at that time, being compiled for the Arizona Secretary of State's Office to compare the names, bonuses, and reported political contributions. Because the records at the Arizona Secretary of State's Office would show the \$4,200 contribution by Mr. Junker and any spreadsheet of bonuses supplied by the Fiesta Bowl should have also shown a matching \$4,200 bonuses made within the same relative time-frame, an explanation needed to be created.
16. Lobbyist C proposed that one method for explaining the bonus would be for Lobbyist C, who was also a lawyer, to pretend that he had provided Mr. Junker with legal services in the amount of \$4,200 related to Fiesta Bowl business and, if necessary, to pretend that Mr. Junker had received the \$4,200 bonus to compensate him for these so-called "legal expenses." Mr. Junker was told by Lobbyist C that such a statement had been prepared

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and that, in the event Lobbyist C was ever asked, he could and would invoke the attorney-client privilege and, as he stated, no one could ever make him talk about the relationship or the advice.

17. Eventually, however, Lobbyist C decided to use a less complicated method of disguising the \$4,200 matching bonus. Lobbyist C simply omitted the \$4,200 bonus from the list he directed be prepared by other Fiesta Bowl employees when he submitted it to the Secretary of State's Office.


I have read the foregoing Factual Basis for Plea in this matter and hereby represent to the Court that it is true and correct in its entirety.

Date 2/16/12


John Howard Junker
Defendant


I have reviewed the information set forth above, have discussed it with my client in detail and accept it as the Factual Basis for Plea in this matter.

Date 2/16/12


Stephen Dichter
Defense Counsel

I have reviewed and accept the information set forth above as the Factual Basis for Plea in this matter.

Date 2/16/12


James Keppel
Leesa Berens Morrison
Assistant Attorney General

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